86-1363

COPY

Supreme Court, U.S.
FILED
FEB 19 1987
JOSEPH F. SPANIOL, JR.
CLERK

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1986

STATE OF OREGON,

Appellee,

v.

ROBERT W. WANGRUD,

Appellant.

On Appeal from the
Supreme Court of the State of Oregon

JURISDICTIONAL STATEMENT

ROBERT W. WANGRUD
19197 S. Molalla Ave. #161
Oregon City, OR 97045
(503) 653-5478 Appellant in Pro Per

DAVID FROHNMEYER (71001)
Attorney General
VIRGINIA L. LINDER (80294)
Solicitor General
THOMAS H. DENNEY (66034)
Assistant Attorney General
400 Justice Building
Salem, OR 97310
(503) 378-4402 Attorneys for Appellee

QUESTIONS PRESENTED

1) Does appellant have standing to claim the absolute protection of prohibitions (Article I, section 10) of the United States Constitution against state statutory law made or administrated in violation thereof?

2) Did the trial court violate a law of the United States by flying a purported United States flag not conforming to the requirements of 4 USC Ch. 1, § 1?

3) Does the Oregon Motor Vehicle Code violate prohibitions of the United States Constitution, when applied to one who retains his inalienable rights of liberty (i.e., one who refuses to voluntarily acquiesce to the police power exercised through this legislation)?

4) If a state court depends upon a bill of attainder, enforced by a complaint filed therein, to exercise personal jurisdiction over a defendant, is personal

jurisdiction lawfully obtained or maintained by the service of process?

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OPINIONS BELOW

All though no opinions were given by either the Oregon Court of Appeals or the Oregon Supreme Court, this case can be found reported as:

State v. Wangrud, (A39320), 81 Or App 593, ___ P2d ___ (1986).

GROUNDS FOR INVOKING JURISDICTION

Nature of Proceeding

This is a criminal traffic case, presumably instituted in admiralty, wherein the appellant, Robert W. Wangrud, was initially charged by a Uniform Traffic Citation and Complaint, No. 59009. Said Uniform Traffic Citation and Complaint was dismissed and the charge was reinstituted by way of a complaint No. 85-12039 subscribed by Michel Des Brisay (Deputy District Attorney for Clackamas County). According to the complaint of Ms. Des Brisay, appellant is charged with Driving While Suspended under former ORS 487.560 (ORS 811.175), alleging in pertinent part,

> "The above-named defendant on or about SEPTEMBER 5, 1985, committed the offense of DRIVING WHILE SUSPENDED, Oregon Revised Statute No. 487.560, as follows, to wit:
>
> COUNT I
>
> The said defendant in the County of Clackamas, State of Oregon, on the date alleged, did then and there un-

lawfully drive a motor vehicle upon a highway, to wit: South Holly Lane, at or near South Maple Lane during a period when his license to drive a motor vehicle in this State has been suspended by the Motor Vehicles Division, said act of defendant being contrary to the statutes in such cases made and provided, * * *."

Date of Judgment to be Reviewed

The Supreme Court of Oregon denied review of the judgment of the Oregon Court of Appeals filed August 27, 1986 (App-5), by its order dated October 21, 1986 (App-7). The judgment of the Oregon Court of Appeals affirmed the judgment of conviction (App-3) of appellant in the trial court.

Date of Order on Rehearing

Rehearing (Reconsideration) was petitioned for on November 7, 1986, in and denied by, the Oregon Supreme Court on November 25, 1986 (App-8). Appellant filed his motion for stay of execution of appellate judgment pending appeal to the United States Supreme Court, in the Oregon Court

of Appeals, on December 1, 1986. Although the Oregon Court of Appeals has issued no order concerning said motion for stay, the appellate judgment herein on appeal has not been remanded to the trial court[1] for execution.

Date of Notice of Appeal

A copy of Notice of Appeal to the United States Supreme Court was filed in the Oregon Court of Appeals on December 1, 1986 (App-9), and in the trial court[1] on December 1, 1986 (App-9). Thereafter the clerk of the United States Supreme Court returned the original Notice of Appeal, which had been sent there for filing on December 1, 1986. The Clerk of the United States Supreme Court gave appellant instructions to file the original in the Oregon Court of Appeals. Said original of

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[1] The Oregon State District Court for the County of Clackamas being the trial court possessed of the record in case No. 85-12039.

the Notice of Appeal was therafter filed in the Oregon Court of Appeals via certified mail, on December 8, 1986 (App-9).

Statutory Provisions

Appellant depends upon 28 USC § 1257(2) to invoke jurisdiction of the United States Supreme Court as provided in Article III of the United States Constitution. 28 USC § 1257(2) provides:

> "Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court as follows:
> "(2) By appeal, where is drawn in question the validity of a statute of any state on the ground of it being repugnant to the Constitution * * * of the United States, and the decision is in favor of its validity." 28 USC 1257

In this case, the decision of the Supreme Court of Oregon refusing to review judgment of the Oregon Court of Appeals, is final. Although a "decision could be had" in the Oregon Supreme Court, the Oregon Supreme Court declined to rehear the appellate judgment of the Oregon Court of Appeals,

which allowed the same stand, in effect showing the Oregon Supreme Court's assent to that judgment.

The finality of the judgment of the Oregon Court of Appeals (of the state courts opinion) is further indicated by the fact that nothing more is left for the Oregon Court of Appeals to do except to remand it's judgment to the trial court for execution, and entry of the judgment upon the trial court record. (Oregon Rules of Appellate Procedure, ORAP 11.03[2][a]). This court has previously ruled that these conditions render the judgment of the appellate court final. Catlin v. United States, 524 US 229, 233 (1945).

CONSTITUTIONAL PROVISIONS INVOLVED

The Preamble of the United States Constitution plays a part in this action. In this appeal the question of whether the appellant has standing to claim the absolute protections of the prohibitions of Article I, section 10, United States Constitution, against state law made in violation thereof is involved (e.g., whether appellant had proper standing in the trial court to claim such protections as affirmative defenses).

The words of the Preamble are clear and pervade the Constitution in its entirety, revealing its true intent and purpose. As well the Preamble to the United States Constitution establishes for whose protection the provisions of the United States Constitution were originally adopted. Dred Scott v Sandford, 19 How (60 US) 393, 410.

> "WE the people of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common

> defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America." Preamble, U.S. Const.

Appellant is of the class of citizens contemplated by the Preamble, which is evidenced in the trial court.

In the state trial court, as well as the State appellate courts, appellant raised certain prohibitions of Article I, section 10, United States Constitution, as a defense to statutes under which appellant was convicted. Appellant alleged that said statutes are either made or administered in violation of these prohibitions of the United States Constitution.

The relevant portions of Article I, section 10 raised by appellant as defenses enjoin the state of Oregon or its agencies and subdivisions as follows:

> "No state shall * * *; pass any Bill of Attainder,... or Law impairing the Obligations of Contracts, or grant any Title of Nobility." Art I § 10 cl 1, U.S. Const.

Article I, section 10 of the United States Constitution plays a part in jurisdiction on this appeal as the state courts upheld state statutes alleged to violate its prohibitions. 28 USC § 1257(2).

Also, the prohibitions of Article I, section 10, United States Constitution, will be one of the key determining factors in relation to the merits of this appeal.

The state has violated these prohibitions of the United States Constitution, either in passage of the state legislation or in application of the state legislation to appellant, and said violation is the basis of escalation to appellant's conviction in the trial court, thus the judgment should be vacated for its unconstitutionality in this court.

Not only will the court find a question of comity between state and federal law in this case, but the Oregon Constitution[2] will play an intricate part in determining

whether the prohibitions of Article I, section 10, United States Constitution have been violated by the state of Oregon to obtain judgment against appellant.

If this court agrees that state legislation, on its face is a Bill of Attainder (in its lesser form, a Bill of Pains and Penalties), whether or not the legislation is constitutionally applicable to appellant will turn on the standing of appellant to claim the protections of Article I, section 10, United States Constitution. This in turn draws into question the Preambles of the United States and Oregon's Constitution, and will further draw into question the applicability of Article IV, section 2, clause 1, United States Constitution.

Appellant was initially a citizen of the state of California, being born therein,

---

[2] Original Article I of the Oregon Constitution (1857-1859).

and having removed himself to Oregon. In pertinent part, Article IV, United States Constitution provides the following protection to appellant to sustain appellant's claim that rights of citizenship are secured by the original Oregon Constitution.

> "The Citizens of each State shall be entitled to all Privileges and immunities of Citizens in the several States." Art IV § 2 cl 1, U.S. Const.

It should be noticed that rights secured by Article IV, section 2, United States Constitution depend upon the constitution of the state involved for determination. Dred Scott v. Sandford, supra, 19 How at 422-423; Crandell v. Connecticut, 10 Conn. Rep. 340, 343-344 (1834).

As can be seen from 28 USC § 1257(2) the Congress of the United States has placed no limitation on the appellate jurisdiction of the United States Supreme Court in respect to the aforementioned constitutional questions, and this court is free

to exercise jurisdiction conferred by the following provisions of the United States Constitution:

> "The judicial power of the United States shall be vested in one Supreme Court * * *." Art III § 1, U.S. Const.
>
> "The judicial power shall extend to all cases, in law and equity, arising under this constitution, * * *." Art III § 2 cl 1, U.S. Const.
>
> "* * * In all other cases before mentioned, the Supreme Ccurt shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make." Art III § 2 cl 2, U.S. Const.

Where one state statute, or several state statutes enforced or operating in conjunction, violate the prohibitions of the United States Constitution the supremecy clause makes the law of the state and judgments made thereunder void.

> "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land: and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the

Contrary notwithstanding." Art VI cl 2, U.S. Const.

The 9th Article of the Bill of Rights shows that the rights violated by the state by enactments prohibited in the United States Constitution need not be specifically enumerated in the United States Constitution to exist.

> "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." Art 9, Bill of Rights of the U.S. Const.

The 10th Article of the Bill of Rights is an extension and restatement of the injunction placed upon the state by the prohibitions of Article I, section 10, United States Constitution.

> "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Art 10, Bill of Rights of the U.S. Const.

Also the 10th Amendment makes reference to power retained by the people themselves and will have relation to the Oregon cons-

titution with respect to powers given the government of Oregon by its citizens and those powers (rights) retained by the citizens of Oregon (in Article I, Oregon Constitution). Appellant possesses these secured rights as one of "the people respectively".

As the 10th Amendment, United States Constitution declares where the respective power of the people lies, and as the 9th Amendment secures rights not specifically enumerated in the United States Constitution, these provisions must be considered in determining the comity between the power of the Oregon state government and the rights of appellant (an Oregon citizen).

It is specifically noted that this appeal is outside the purview of the 13th and subsequent Amendments. Appellant is not a citizen as contemplated by the 14th amendment. Appellant claims absolutely no

protections from the 13th and subsequent amendments, and furthermore appellant totally and completely disclaims any contention that might arise alleging that provisions of the 13th and subsequent amendments are a basis for appellate jurisdiction in the instant appeal, or a basis of adjudication of the instant appeal.

The basis of appellate jurisdiction in the instant case is strictly according to the aforementioned provisions of the original United States Constitution (1787) and according to its Bill of Rights (1791) where applicable through the original United States Constitution and its Preamble.

As will be seen from the statement of the case appellant's citizenship is a matter of natural right, evidenced by the Preamble of the United States Constitution and the Constitution of Oregon and appel-

lant owes absolutely nothing to the 14th Amendment the privileged citizenship it offers to those contemplated thereby. Van Valkenburg v. Brown, 43 Cal 43, 47 (1872).

This disclaimer of the 13th and subsequent amendments is made by appellant to make clear appellant's intention to completely exclude their provisions from having any effect on this appeal, the same being absolutely and constitutionally inapplicable to appellant and the instant appeal.

STATEMENT OF THE CASE

Appellant is a free white citizen of Oregon as known by the Preambles of the Constitution of Oregon and the United States Constitution as set forth by this court in Dred Scott v. Sandford, supra, 19 How at 410-411 (1857).

This issue was raised by appellant in the trial court on arraignment by way of appellant's Affirmation by Special Appearance Under Duress and supporting documentation submitted therewith. This issue was again raised to the trial court on hearing of appellant's Motion to Quash the Complaint by way of documentation presented as defendant's exhibit 112 on hearing of appellant's Motion to Quash. Again the issue of standing of appellant was raised on the trial in appellant's argument for a common law jury and was evidenced by documents marked defendant's exhibit G and I. The trial court denied appellant's Motion

to Quash and denied appellant's Motion for a Common Law Jury of His Peers (A.R. Tape No. L7581, Cue No. 6 at 840 [official log]).

In the hearing on Motion to Quash appellant also noted that the trial court flew a flag which violated 4 USC Ch. 1 § 1, whereupon the trial court refused to receive a copy of said reference to title 4 when offered as evidence by appellant. The trial court ruled that the non-conforming flag was irrelevant to jurisdiction of the trial court.

Appellant continued to raise the issue of standing in the Oregon Court of Appeals by way of appellant's Opening Brief in the statement of facts page 5 to 10, and by the questions presented at page 2, and in argument on error of the trial court to provide a jury as known to the common law, and error of the trial court in not dismissing the action for lack of personal jurisdiction and lack of jurisdiction to

hear the constitutional issues upon which appellant based appellant's affirmative defense of want of personal jurisdiction.

Neither the trial court nor the appellate court made any direct ruling on the issue of standing, but it would appear from the trial court's refusal to dismiss the action, and denial of appellant's Motion for a Jury of Peers as Known to The Common Law, and from the appellate courts' affirmance of the conviction, that both the trial and appellate courts assumed that appellant did not have standing to challenge the Oregon Motor Vehicle Code or jurisdiction of the trial court, on constitutional grounds.

The standing of appellant was relied upon in appellant's petition for review and in appellant's petition for reconsideration in the Oregon Supreme Court, but since the Oregon Supreme Court refused to review this appeal it must be presumed

that whatever opinion the lower courts held, to raise affirmative constitutional defenses, was concurred with in the Oregon Supreme Court.

It should be noted that the standing alleged by appellant to make affirmative constitutional defenses was never contested by respondent in the trial court or at the appellate level of the Oregon's courts.

Appellant in support of his allegations, on the issue of standing to raise affirmative constitutional defenses against the personal jurisdiction of the trial court, produced evidence that he held no state, federal, or national franchise, license or other similar privileges. This evidence was produced at the same stages of the proceedings, in the same manner, and as a part of the same documentation evidencing proof of citizenship afforementioned. In fact, this evidence was an integral part

of appellant's allegations of citizenship, and was passed upon by the courts of Oregon in the same way as the question of citizenship itself.

On appellant's Motion to Quash Complaints appellant noted that the trial court lacked authority to properly hear constitutional questions, intended to be presented as affirmative defenses by appellant.

The trial court is a statutory court having the same standing in relation to questions of constitutional law as an Article I tribunal of the United States, and thus, cannot properly lay statutory law next to the state and federal Constitutions to see if the latter squares with the former.

The trial court in the instant case must follow the will of the legislature, as the Article I tribunals of the United States must follow the explicit will of the Con-

gress. Therefore, the constitutional questions herein raised were not directly raised until the case was removed to the appellate level of the Oregon courts. But Appellant, on arraignment, by his Affirmation by Special Appearance Under Duress did assert that appellant retained and would not waive any of the protections of Article I, section 10 of the United States Constitution, and generally the protections of the original Oregon and United States Constitutions within purview of their respective Preambles.

All of appellant's appearances during the pendency of this action in the trial court, were special in nature, to challenge the personal jurisdiction of the trial court. As well, all questions raised by appellant were raised in relation to appellant's challenges to the jurisdiction of the trial court.

The trial court denied appellant's Motion

to Quash the complaint and dismiss the action and proceeded to judgment (App-1, App-4), both trial court actions were affirmed by the Oregon Court of Appeals without opinion (App-5, App-6), and review by the Oregon Supreme Court was denied (App-7, App-8), also without opinion. In the trial court respondent did not deny appellant's aforementioned allegations.

Appellant raised the questions herein presented, in the Oregon Court of Appeals by the following questions presented in appellant's brief to the Oregon Court of Appeals:

> 1. Does defendant possess the class of State Citizenship that would make him one capable of claiming constitutional protections, as set forth in the original Oregon Constitution (1857-59), against abuse of defendant's rights by a governmental agency?
>
> 2. Is defendant, being a free white born citizen of the State of Oregon, having previously revoked Oregon's Drivers License, having returned the same to the Division, and having no other contractual or obligatory relationship with the State or Federal

government, a citizen within purview of the Fourteenth Amendment to the United States Constitution?

7. Are the Oregon Revised Statute(s) with which defendant is charged a Bill of Attainder (in its lesser form a Bill of Pains and Penalties) as prohibited by Article I, section 10 of the United States Constitution, when made applicable to defendant?

8. Do the statute(s) with which defendant is charged violate the obligation of contract clause of Article I section 10 of the United States Constitution, by forcing a contractual relation with plaintiff upon defendant?

It is nearly impossible to say how the Oregon Appellate Courts passed upon these questions since the Oregon Court of Appeals and the Oregon Supreme Court issued no opinions with their orders (judgments). It is noted that respondent (the state of Oregon) never directly addressed these questions in their respondents brief in the Oregon Court of Appeals (the only brief of respondents).

Although it is not something that can be merely presumed by this court, appellant

respectfully suggests that the Oregon courts, in affirming, the conviction herein question have acted prejudicially against appellant and the constitution of the United States, in fact, having made it impossible for appellant to relate how Oregon's courts passed upon United States Constitutional questions, by their failure to issue opinions in their judgments.

This would not be suggested except for the fact that affirmative defenses of appellant found basis in the prohibitions of the United States Constitution as set out against the state of Oregon. The affirmation of the trial court's judgment by the Oregon Court of Appeals upholds Oregon statutory enactments alleged to violate the United States Constitution, and do so without a whisper from the Oregon courts as to the reason why.

Appellant's affirmative defenses against jurisdiction of the trial court, involving

provisions of the United States Constitution, were related to the Oregon Court of Appeals in argument as follows: (1) The prohibitions of Article I, section 10, U.S. Constitution at pages 9,27,30,49 and 50; (2) these prohibitions relation to the 9th and 10th Amendments, the Preamble of the Oregon Constitution and Article I, section 33, Oregon Constitution at page 13; and (3) the fact that Oregon statutory law allows two interpretations of Oregon statutes, one which would bring Oregon law into conflict with the United States Constitution and the other which would absolutely prevent such a conflict is raised at page 29.

Again it cannot be emphasized enough by appellant that respondent did not controvert these arguments in the appellate court nor did the appellate court issue any opinion concerning these arguments.

On petition for review in the Oregon

Supreme Court appellant again raised the question of the conflict between Oregon statutory law, involved in the instant case, and the prohibitions of Article I, section 10, United States Constitution. Review was denied by the Oregon Supreme Court without opinion.

Again, by petition for reconsideration in the Oregon Supreme Court the Article I, section 10 prohibitions issue was raised. Also, appellant related the prejudicial manner in which the Oregon courts have treated the instant case. Again the Oregon Supreme Court denied review without opinion (App-8).

WHY QUESTIONS PRESENTED ARE SO SUBSTANTIAL AS TO REQUIRE PLENARY CONSIDERATION

Appellant requests that the appeal be heard with briefs from the respective parties. The Oregon Motor Vehicle Code has many elements which, when administered in conjunction, violate diverse prohibitions of Article I, section 10, United States Constitution, by enforcing a legislative deprivation of appellant's rights in the first instance. The substantiality of this question speaks for itself.

To relate how the provisions of this complex code of administrative law has operated to the deprivation of appellant, and escalated to the instant criminal action, requires extensive discussion.

Appellant feels that for this court to properly be appraised of the prevailing conditions of both law and fact related to the instant appeal, full briefs will be imparative.

CONCLUSION

Appellant properly raised federal constitutional issues, as affirmative defenses to the charge and conviction in the state courts, herein sought to be reversed. Respondent (the state of Oregon) and her courts have absolutely refused to address these federal issues. It goes without saying that a man cannot be the judge of his own case, but here the state is the judge of her own case and refuses to even justify her judgment which upholds state statutes in disregard of constitutional prohibitions and the supremacy clause of the original United States Constitution.

Therefore, appellant respectfully brings this appeal and requests this court docket the same and if necessary to an understanding of the real issues of this appeal order the Oregon Court of Appeals or the Oregon Supreme Court, which ever is deemed appropriate by this court, to issue an

opinion on the constitutional issues herein presented.

Respectfully submitted,

ROBERT W. WANGRUD
19197 S. Molalla Avenue
Suite 161
Oregon City, OR 97045
(503) 653-5478

Appellant, In Pro Per

IN THE DISTRICT COURT OF THE STATE OF OREGON FOR THE COUNTY OF CLACKAMAS

STATE OF OREGON, Plaintiff, -vs- ROBERT WESLEY WANGRUD, Defendant.	))))))	No. 85-12039 ORDER

On November 29, 1985 the court heard defendant's Motion to Dismiss on the grounds that the State lacks jurisdiction to proceed on the charge of Driving While Suspended. After hearing the testimony of the witnesses and reviewing the written materials submitted by both parties the Court hereby finds that jurisdiction in this case. Defendant's Motion to Dismiss is denied.

DATED this 8 day of Jan, 1986

s/ Raymond R. Bagley
JUDGE RAYMOND BAGLEY, JR.
PRESIDING DISTRICT COURT JUDGE

IN THE DISTRICT COURT OF THE STATE OF OREGON FOR THE COUNTY OF CLACKAMAS

STATE OF OREGON, Plaintiff,	)	CASE NO. CR85-12039
vs.	)	PRE-PLEA CONFERENCE
ROBERT WESLEY WANGRUD, Defendant.	)	ORDER

PRESENT: Defendant

PLEA: Not Guilty by court (def refused)

DISCOVERY: avail

JAN 8 1986 s/ B

Date Judge

IN THE DISTRICT COURT OF THE STATE OF OREGON FOR THE COUNTY OF CLACKAMAS

STATE OF OREGON, Plaintiff, vs. ROBERT WESLEY WANGRUD, Defendant.	))))))	85-12039

Now on this day comes the State of Oregon by _____, District Attorney, and the Defendant above-named in person and by his Attorney, _____, and it appearing that a complaint has been filed herein charging the said defendant with the crime of DRIVING WHILE SUSPENDED and Defendant, being asked if the name under which he was charged was his true name, and replying in the affirmative, was thereupon duly arraigned, by having said complaint read to him in open Court.

At this time Defendant was advised by the Court of his right to remain silent and that anything he might say could be used

against him in a court of law; his right to the aid of an attorney; his right to talk to an attorney before and to have him present during any questioning. After which the Defendant stated that he understood each of these rights.

WHEREUPON said defendant pleaded _____ to said Complaint, was duly tried by jury and upon such trial was duly G of the crime so charged.

NOW, THEREFORE, IT is hereby ORDERED AND ADJUDGED that said Defendant be IMPRISONED in the Clackamas County Jail for a period of _____ and PAY A FINE of $_____.

Sent 2-25 @ 11

Dated this 19th day of February, 1986.

? ? ?

_____

Judge.

IN THE COURT OF APPEALS OF THE

STATE OF OREGON

STATE OF OREGON,

Respondent,

v.

ROBERT WESLEY WANGRUD,

Appellant.

Court of Appeals Case No.: CA A39320

Trial Court Case No.: 85-12039

Appeal from: Clackamas County

Judge: Robert D. Burns

Date submitted on briefs: August 8, 1986

Before: Warden, Presiding Judge, and Van Hoomissen and Young, Judges

Attorney for appellant: Robert Wesley Wangrud, pro se, Oregon City

Attorney for respondent: James Mountain/ Thomas H. Denney

Affirmed without opinion.

Date filed: August 27, 1986

FILED
Court of Appeals
AUG 27 1986
State Court Administrator
By _____ Deputy

IN THE COURT OF APPEALS OF THE

STATE OF OREGON

STATE OF OREGON Plaintiff Respondent	)	ORDER DENYING RECONSIDERATION
v.	)	
	)	CA A39320
WANGRUD, ROBERT WESLEY Defendant Appellant	)	SC S33275

The Court of Appeals has considered the Petition for Review filed in this case as a Petition for Reconsideration and has, on OCTOBER 03, 1986, denied the petition. ORAP 10.10. The Supreme Court may now proceed to determine whether to grant review. The appellate court decision is not enforceable until the Supreme Court has completed its review of the petition. ORAP 11.03.

S/GEORGE M. JOESEPH
CHIEF JUDGE

IN THE SUPREME COURT OF THE STATE OF OREGON

STATE OF OREGON	)	
	)	ORDER DENYING
Respondent	)	REVIEW
v.	)	
	)	CA A39320
WANGRUD, ROBERT WESLEY	)	SC S33275
	)	
Appellant	)	

The Court has considered the petition for review and ORDERS that it be denied.

DATE: OCTOBER 21, 1986.

/s/ EDWIN J. PETERSON

CHIEF JUSTICE

IN THE SUPREME COURT OF THE STATE OF OREGON

STATE OF OREGON, Respondent on Review,	)	ORDER DENYING RECONSIDERATION
v.	)	
ROBERT W. WANGRUD, Petitioner on Review,	)	CA A39320 SC S33275

The Court has considered the petition for reconsideration and ORDERS that it be denied.

DATE: November 25, 1986.

/s/ EDWIN J. PETERSON

CHIEF JUSTICE

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1986

STATE OF OREGON,
Plaintiff-Appellee,

v.

ROBERT W. WANGRUD,
Defendant-Appellant.

On Appeal from the
Supreme Court of the State of Oregon

NOTICE OF APPEAL

ROBERT W. WANGRUD
19797 S. Molalla Avenue #161
Oregon City, Oregon 97045
(503) 653-5478 Appellant in Pro Per

DAVID FROHNMEYER (71001)
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Assistant Attorney General
400 Justice Building
Salem, Oregon 97310
(503) 378-4402 Attorneys for Appellee

To: The Attorney General for the State of Oregon, David Frohnmayer.

I

Defendant hereby gives Notice of Appeal from the order entered in this case (SC S33275) on November 25, 1986, by Chief Justice Edwin J. Peterson in the Supreme Court of the State of Oregon, denying reconsideration of its order of October 21, 1986, denying review of the order of the Oregon Court of Appeals filed on August 27, 1986 (CA A39320) which affirmed without opinion the judgment of conviction of appellant in the Oregon State District Court for the County of Clackamas (No. 85-12039).

II

The adverse party to the appeal is the State of Oregon.

III

The names, bar numbers, addresses, and telephone numbers of attorney's are:

DAVID FROHNMEYER (71001)
Attorney General
VIRGINIA L. LINDER (80294)
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THOMAS H. DENNEY (66034)
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(503) 378-4402 Attorneys for Appellee

ROBERT W. WANGRUD (Not Attorney)
19197 S. Molalla Avenue #161
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(503) 653-5478 Appellant in Pro Per

IV

I hereby certify that I served the Notice of Appeal on the 1st day of December, 1986, within the 90 days allowed by law, by hand serving a true copy thereof, upon:

Thomas H. Denney (66034)
Assistant Attorney General
400 Justice Building
Salem, Oregon 97310

and on the same day a copy of this Notice of Appeal was filed with the clerk of the Oregon Court of Appeals wherein the judgment being appealed from was entered on February 25, 1986, which is immediately enforceable on remittance to the trial court, by hand filing a true copy thereof,

upon:

Oregon State Court Administrator
Case Records Division
Supreme Court Building
Salem, Oregon 97310

further, that a copy of this Notice of appeal was also filed with the clerk of the Oregon State District Court for the County of Clackamas, the court having possession of the record, on December 1st, 1986, by hand filing a true copy thereof upon:

Clackamas County District Court
Office of the Clerk
Room 104, County Court House
Oregon City, Oregon 97045

V

This appeal is taken by authority of Article III section 2 of the United States Constitution and 28 USC 1257(2) made in pursuance thereof.

Respectfully submitted,

s/ Robert W. Wangrud
In Propria Persona

Defendant-Appellant